

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

17-cr-514 (JGK)

20-cr-296 (JGK)

- against -

MOHAMED TRAORE,

MEMORANDUM OPINION AND
ORDER

Defendant.

JOHN G. KOELTL, District Judge:

The defendant has moved for a reduction in sentence under the recent Amendment 821 to the Federal Sentencing Guidelines, see ECF No. 117, which went into effect on November 1, 2023 and applies retroactively. Sentencing Guidelines, 88 Fed. Reg. 28,254, 28,270 (effective Nov. 1, 2023); accord U.S.S.G. § 4A1.1(e).

The defendant's motion is denied because the defendant does not qualify for relief under Amendment 821. First, with respect to the defendant's sentence in case number 17-cr-514, the defendant does not qualify for relief because the defendant was sentenced to time served. Thus, there is no sentence to reduce. Second, with respect to the defendant's sentence in case number 20-cr-296, the defendant does not qualify for relief because he was sentenced to 60 months' imprisonment, which was the mandatory minimum sentence, as the United States Probation Office states in the Supplemental Presentence Report. See ECF

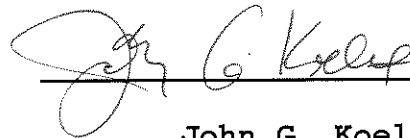
No. 52, Case No. 20-cr-296. Finally, the defendant is not entitled to a reduction in the 12-month sentence he received for his violation of supervised release because 18 U.S.C. § 3582(c)(2) "does not authorize a reduction in the term of imprisonment imposed upon revocation of supervised release." U.S.S.G. § 1B1.10, App. Note 8(A).

CONCLUSION

The Court has carefully considered all of the defendant's arguments. To the extent not specifically addressed above, the arguments are either moot or without merit. The defendant's motion for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) is **denied**. The Court declines to find good cause for the defendant to proceed in forma pauperis on appeal. See 28 U.S.C. § 1915. The Clerk is directed to close all pending motions.

SO ORDERED.

Dated: New York, New York
April 30, 2024



John G. Koeltl
United States District Judge